

REMARKS

Claims 1-17 remain in this application. Claim 1 has been amended.

The examiner has acknowledged that claims 10-17 are directed to allowable subject matter.

Reconsideration of this application in light of the following remarks is requested.

Objection to the Disclosure

The disclosure was objected to because of an alleged informality. Particularly, the Office Action states the disclosure contains a typographical error "Network processing system 100" at page 9, line 29 of the disclosure. Applicants submit that such a typographical error does not exist at the cited disclosure passage, and withdrawal of the objection to the disclosure is accordingly requested.

Rejection under 35 U.S.C. § 102

Claim 1

Claim 1 recites the following:

A network processing system for use in a network, the network passing a plurality of data packets, which form a plurality of flows, the network processing system comprising:
a network interface operable to receive data packets from the network and further operable to send processed data packets back onto the network; and
a learning state machine in communication with the network interface, the learning state machine operable to learn and maintain state for particular flows based on content of respective flows, wherein the learning state machine assigns an identifier to one or more of the particular flows and associates each data packet belonging to that flow with the identifier, the learning state machine further operable to identify characteristics of one or more of the particular flows and to store those characteristics in a state database in the learning state machine such that the network processing system is able to treat the data packets based on the state of the associated flow.

Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,798,757 to Mizutani et al. (hereinafter "Mizutani").

The PTO provides in MPEP § 2131 that

"[t]o anticipate a claim, the reference must teach every element of the claim...."

Therefore, with respect to claim 1, to sustain this rejection the Mizutani patent must contain all of the above claimed elements of the claim. However, contrary to the examiner's position that all elements are disclosed in the Mizutani reference, Mizutani does not disclose a learning state machine operable to "learn and maintain state for particular flows based on content of respective flows" as described in the subject application and recited in amended independent claim 1. For example, Mizutani only describes identifying sessions to which a packet belongs for QoS treatment by evaluating header information, particularly a source home IP address and destination home IP address fields (See Mizutani, Column 7, Line 63-Column 8, Line 4). The subject application provides for a learning state machine operable to learn and maintain state for flows based on content, in addition to header, information (Note flow content, or payload, is clearly distinguished from flow header in the subject application; See, for example: Page 8, Lines 21-24 - "Header preprocessor...is operable to perform several operations using information contained in the data packet headers." and Page 9, Lines 5-7 - "Content processor 110 is operable to scan the contents of data packets received from header preprocessor 104, including the entire payload contents of the data packets."). No description or suggestion is provided by Mizutani for a learning state machine that is operable to maintain state for particular flows "based on content of respective flows."


Therefore, the rejection is not supported by the Mizutani reference and should be withdrawn, and such a notice is respectfully requested.

Conclusion

It is clear from all of the foregoing that independent claim 1 is in condition for allowance. Dependent claims 2-9 further limit independent claim 1 and therefore are allowable as well.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,



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on

May 23, 2005

Karen G. Underwood

Signature of person mailing paper and fee